

REMARKS

Claims 1-8 are pending in this application. By this Amendment, the specification, claims 1-8 and Fig. 4 are amended to address objections by the Patent Office.

No new matter is added to the application by this Amendment.

I. Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

II. Drawing Objection

Figs. 1 and 4 were objected to for allegedly failing to comply with 37 CFR 1.121(d) and not clearly indicating what the specification describes.

With respect to Fig. 1, the page 11, line 24 of the specification was amended to clarify that Fig. 4 illustrates a dash-dot line and not Fig. 1 as alleged by the Patent Office.

With respect to Fig. 4, attached herewith is a replacement sheet including amended Fig. 4. Amended Fig. 4 is clear and in compliance with 37 CFR 1.121(d). As such, withdrawal of the objection to the drawings is respectfully requested.

III. Specification Objection

The specification was objected to for alleged informalities.

The specification was amended to (a) replace the term “moulded” with the term “molded”, (b) replace the terms “centring” and “centre” with the terms “centering” and “center,” respectively, and (c) correct typographical errors therein. As such, withdrawal of the objection to

the specification is respectfully requested.

IV. Claim Objections

Claims 1-8 were objected to for alleged informalities.

Claims 1-8 were amended to address each objection set forth by the Patent Office, and amended claims 1-8 are believed to overcome these objections.

Applicant respectfully requests the withdrawal of the claim objections.

V. Rejections Under 35 U.S.C. §103

Claims 1-3 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,347,687 to Lautenschläger in view of U.S. Patent No. 3,534,936 to Knowlton. This rejection is respectfully traversed.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under §103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d

1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

The Patent Office alleges that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to further secure the projections of Lautenschläger with through holes in both the liner plate and fixing flange with a fastener as seen in Figure 3 of Knowlton to allow for the hinge housing to be removably attached in a way that isolates it from vibration damage to the hinge housing and wall on which it is mounted. Applicant respectfully disagrees with these allegations.

Lautenschläger discloses a hinge which is secured in an opening of a liner plate

premounted in a recess of the inner wall of a double walled door by bayonet-like rotational engaging of locking projections. Knowlton discloses a rotary operative dampening fastener. With that said, the resulting combination of modifying Lautenschläger with Knowlton, at best, teaches securing the projections of Lautenschläger with through holes in both the liner plate and fixing flange with a rotary operative dampening fastener of Knowlton such that the hinge housing is isolated from vibration damage to the hinge housing and the wall on which it is mounted.

In contrast, the hinge housing of the present application is to be secured rigid to a door. The hinge housing of the present application is not secured in vibration damping manner as taught or suggested by the Lautenschläger and Knowlton, taken singly or in combination.

Because these features of independent claim 1 are not taught or suggested by Lautenschläger and Knowlton, taken singly or in combination, these references would not have rendered the features of claims 1-3 obvious to one of ordinary skill in the art.

Thus, reconsideration and withdrawal of this rejection are respectfully requested.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Early and favorable action is earnestly solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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